

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

BAR INDY LLC, et al.)	
)	
Plaintiffs,)	
)	
vs.)	
)	CASE NO. 1:20-cv-02482-JMS-DML
MARION COUNTY PUBLIC)	
HEALTH DEPARTMENT, and)	
DR. VIRGINIA CAINE, (in)	
her official capacity as Director)	
and Chief Medical Officer))	
)	
Defendants)	

**PLAINTIFFS' REQUEST FOR PRODUCTION TO DEFENDANT DR. VIRGINIA
CAINE**

COMES NOW Plaintiffs, by counsel, and requests that Defendant produces and permits for inspection and copying or other reproduction all of the following material, in the actual or constructive control of Defendant or any other person acting on Defendant's behalf that is relevant to the subject matter of the pending action or is reasonably calculated to lead to the discovery of admissible evidence and which relates to any claim Plaintiffs may have against Defendant, within thirty (30) days after the service of this Request, to the offices of Richard Bucheri, POYNTER & BUCHERI, LLC, 4202 Madison Ave., Indianapolis, Indiana 46227.

Plaintiffs' Request for Production shall be deemed continuing so as to require reasonable, timely, supplemental answers of Defendant, Defendant's agents, representatives or attorneys, if

Defendant obtains further information between the time Defendant's response is served and the time of trial.

INSTRUCTIONS AND DEFINITIONS

A. This Request is directed to Defendant and concerns the incident referred to in Plaintiffs' Complaint.

B. When reference is made to "Defendant" or to "you" in these Instructions and Definitions or in this Request, it means and includes Defendant and includes all agents, employees and attorneys of Defendant. In responding to this Request, you are to furnish all information which is available to you, including information in the possession or control of your attorneys, employees, agents, insurance carriers and anyone else acting on your behalf or otherwise subject to your control.

C. If you cannot respond to any part of this Request in full, after exercising due diligence in attempting to secure the information necessary to do so, respond to the extent possible, explain why you cannot respond to the remainder and state the nature of the material that you cannot furnish.

D. If you claim any form of privilege, whether based on statute or otherwise, as a ground for not responding to any part of this Request, set forth in complete detail each and every fact and ground upon which the privilege is based, including sufficient facts for the Court to make a determination whether the claim of privilege is valid.

E. The following definitions apply to this Request and your response thereto. The terms mean, include and refer to the definitions.

(1) “MCPHD” – the Marion County Public Health Department, or any of its employees.

(2) “Pandemic” and “epidemic” - the pandemic/epidemic of the COVID-19 virus unless otherwise specified.

(3) “Virus” – the COVID-19 virus unless otherwise specified.

(4) “Public Health Order(s)” – the orders issued by Dr. Virginia Caine and the Marion County Health Department in response to the COVID-19 pandemic.

(5) “Executive Order(s)” – the orders issued by Governor Eric Holcomb in response to the COVID-19 pandemic.

(6) "Person" - any natural person, firm, association, partnership, corporation or other type of entity or government body.

(7) "Complaint" - the most recent Complaint or Amended Complaint filed by Plaintiffs.

(8) “Communication” or “communications” - any and all inquiries, discussions, conferences, conversations, negotiations, agreements, meetings, interviews, telephone conversations, letters correspondence, notes telegrams, facsimiles, electronic mail, memoranda, or other forms of communications, including but not limited to both oral and written communications.

(9) "Document" - any written record, however produced or reproduced, whether sent or received, and both sides thereof, in any media, and including but not limited to papers, e-

mails, accounts, letters, correspondence, memoranda, notes, work papers, intra- and inter-office communications, statements, invoices, summaries, opinions, reports, contracts, agreements, telephone logs, studies, analyses, computer printouts, microfilm and things similar to any of the foregoing, however denominated.

(10) "Written" - made or kept as a document, whether hard copy or in electronic format.

(11) "Article" - any article, magazine, journal, newsletter, blueprint, drawing, design, sketch, book, textbook, brochure, pamphlet and thing similar to any of the foregoing, however denominated, in any media.

(12) "Photograph" – any audio or video tape, record, recording, photograph, moving picture, negative and any other object containing a written, printed, spoken, or photographic image in any media or sound in any media.

REQUEST FOR PRODUCTION

1. Please produce all statements, written or oral, documents and/or photographs made at any time related to the matters of the Complaint, as it is related to Marion County bars and restaurants.

RESPONSE:

2. Please produce all records, documents and/or photographs concerning any of the Plaintiffs' alleged violations of the Public Health Orders or the Governor's Executive Orders.

RESPONSE:

3. Please produce any and all exhibits which will be offered by Defendant into evidence at the trial of this cause of action.

RESPONSE:

4. Please produce all expert reports made for or on behalf of Defendant pertaining to the Complaint.

RESPONSE:

5. Please produce all documents, materials and items which you have received in response to each Request for Production you have served in this action.

RESPONSE:

6. Please produce a list of all items requested in this Request but not produced by you.

RESPONSE:

7. Please produce any documents referred to in the Defendant's Answer to Interrogatories.

RESPONSE:

8. Please produce any communications between Dr. Virginia Caine or any of the employees of MCPHD and Mayor Joe Hogsett's office related to the Public Health Orders.

RESPONSE:

9. Please produce copies of all studies and data referred to in the Defendant's Answer to Interrogatories.

RESPONSE:

10. Please produce a list of exhibits and witnesses you intend to produce at trial.

RESPONSE:

Respectfully submitted,
POYNTER & BUCHERI, LLC

/s/Richard C. Bucheri
Richard C. Bucheri, #19287-49

John D. Norman, #34714-41
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2021, I electronically served the foregoing document on the below-named counsel via the PACER filing system:

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Anne K. Ricchiuto (#25760-49)
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/s/ **Richard C. Bucheri**
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